

U.S. Department of Justice



*United States Attorney
Eastern District of New York*

CP:TMM

271 Cadaman Plaza East 5th Floor
Brooklyn, New York 11201

March 19, 2008

By Federal Express Mail:

Gerald Shargel, Esq.
570 Lexington Avenue
45th Floor
New York, NY 10022

Re: United States v. Ricardo Fanchini
Criminal Docket No. 07 CR 736 (S-1) (CPS)

Dear Mr. Shargel:

This letter provides you with the discovery to which you are entitled pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

1. Statements of Defendants. The defendant did not make any post-arrest statements when he was arrested in London, England. As such, there are no post-arrest statements. To the extent that the government is in possession of statements the defendant made to other foreign law enforcement officers during the course of previous investigations, the government will be producing these statements in the near future.

2. Prior Criminal History. The government will provide a prior criminal history report as soon as possible.

3. Documents and Tangible Objects.¹

A. Bank Records and Material Obtained through Search Warrants.

The government is providing copies of the material seized during the execution of search warrants at the respective residences of Nikolai Dozortsev and Arthur Dozortsev. In addition, the government is providing copies of bank records. These documents are bate stamped 00001-06372. The government is in possession of numerous boxes of material seized during the

¹ Given the volume of documentary discovery, the government plans to make a rolling production.

execution of a search warrant of Dozortsev & Sons. These documents, which are being scanned and will be bates stamped starting with bates number 06373, have been forwarded to First Choice Copy, order number 86035. You may access these materials by calling Joe Meisner, who can be reached by phone at (718) 381-1480 ext. 212.²

A court-authorized search warrant was execute in London, England after the defendant's arrest. Copies of the court-related documents and the documents and other items seized from the safety-deposit box issued in the name of Katherin Rotmann (Box located at Park Lane Safety Deposit Limited, 3 Park Street, Mayfair, London W1K7HD) and the defendant's residence (19 Connaught House, 1-3 Mount Street, London W1K) will be produced as soon as the government receives these documents and other items.

B. Other Documents and Tangible Evidence.

The government will provide you with copies of other documentary and tangible evidence in connection with this case as they become available.

4. Reports of Examinations and Tests .

The government will provide you with copies of any reports of examinations or tests conducted in connection with this case when they become available.

5. Expert Testimony.

The government will comply with Rule 16(a)(1)(E) by notifying you of the name of any expert that the government intends to call at trial and providing a summary of the expert's opinion and qualifications in a timely fashion after this information becomes available.

6. Wiretaps and Consensual Recordings.

There are numerous recorded conversations resulting from court-ordered wiretaps. Copies of several of the United States' wiretaps and draft line sheets were previously provided to you by letter dated February 1, 2008. Contained herein are two compact disks containing audio recordings and draft translated line sheets for wire communications intercepted over the following telephone numbers pursuant to court-authorized wiretaps: (626) 532-9129 and (626)445-4113. In addition, as

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It is expected that all of the documents seized at the business will be available at First Choice as of April 7, 2008.

previously discussed with you, there were numerous foreign wiretaps. Of these additional wire taps (United States and foreign), audio recordings and line sheets will be turned over on a rolling basis. Finally, copies of all discoverable affidavits, applications and orders will be forthcoming.

7. Brady, Giglio and 3500 Material.

The government is aware of its continuing duty to disclose exculpatory information under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny. At present, the government does not possess any Brady material. If and when such information becomes known to the government, it will be promptly disclosed.

In addition, the government is aware of its obligations under Title 18, United States Code, Section 3500 and Giglio v. United States, 405 U.S. 150 (1972), and its progeny, and will comply with these obligations prior to trial.

8. Other Crimes, Wrongs, or Acts.

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

9. Reciprocal Discovery.

The Defendants' Required Disclosure

The government hereby asserts its right to reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody, or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose at least forty-eight hours prior to the testimony prior statements of witnesses who will be called by that defendant to testify, pursuant to Fed. R. Crim. P. 26.2.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to

use as evidence at trial under Rules 702, 703 and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

Pursuant to Rule 12.1(a) of the Federal Rules of Criminal Procedure, the government hereby demands written notice, to be served within ten days of this demand, if the defendant intends to offer a defense of alibi. The written notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense, and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. The offense took place at the location, dates, and times specified in the Complaint and Indictment.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

BENTON J. CAMPBELL
United States Attorney
Eastern District of New York

By: /s/
Toni Mele
Assistant U.S. Attorney
(718) 254-6138